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AMENDMENT

ATTY DOCKET NO. 14305

Applicant seeks amendment to the drawings as indicated in the annotated marked-up sheet 1/4 submitted herewith and discussed below.

Claims 1-3, 5-7, and 10-13 stand rejected under 35 U.S.C. § 102(b). Claims 4, 8, and 9 stand rejected under 35 U.S.C. § 103(a).

The rejections and objections are discussed in generally the same order as in the office action.

### Specification

The disclosure stands objected to because of informalities, viz., (1) the term "fastener" and "clip" are used interchangeably in reference to element "10" and (2) paragraph [0023] has typographical spacing error "clip10" and (3) angle " $\alpha$ " is erroneously written "a", particularly in paragraph [0019].

The objection to the disclosure is overcome through amendment by substitute specification, see MPEP 714.22 (b)(3), including submitting (i) the instruction above to replace the specification and (ii) a substitute specification in compliance with 37 CFR § 1.125. In accordance with the latter section, a marked up specification also is submitted herewith.

The substitute specification remedies inconsistencies in reference to element "10." The specifications, drawings, and claims are directed to a fastener. In the art and in the original specification, the type of fastener shown and described as element 10 is sometimes called a clip or a staple. In paragraph [0010], explanation to this effect is added, consistent with the original specification and without adding new matter. The word "clip" in reference to element 10 is replaced with the word "fastener" everywhere else in the specification.

In paragraph [0023], the typographical spacing error "clip10" is changed to "fastener 10."

Angle " $\alpha$ ", erroneously written "a", particularly in paragraph [0019] has appropriately been corrected.

Paragraph [0014] is changed. The sentence as amended is consistent with original claim 8 and no new matter has been added. The sentence as filed had an error such that "width" and "thickness" were interchanged. In the context of the specification, "width"

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refers to the dimension along the strip while "thickness" refers to the dimension of the fastener in the direction of the bend. Accordingly, the second to last sentence in paragraph [0014] is changed to read: "Preferably the wire is flattened so that the wire has a thickness T of about 0.05 inch and a width W of about 1/16 inch." Support is found in original claim 8.

All informalities are corrected.

#### Drawings

Applicant requests that "T" and "W" be switched in FIG. 1-3, on Sheet 1/4. See discussion above with respect to corresponding revision of paragraph [0014] of specification. A sheet labeled "Annotated Marked-up Drawings" indicates the changes in red, and a sheet labeled "REPLACEMENT SHEET" is submitted with the correct indicia. A Submission of Replacement Sheet 1/4 of Drawings is submitted on this date by mail for better line quality.

#### Claims

##### Claim Rejections—35 U.S.C. § 102

Claims 1-3, 5-7, and 10-13 stand rejected for alleged lack of novelty as allegedly anticipated by Crooks (U.S. Patent 2,314,481). Claim 1 is canceled, and its limitations are incorporated in substance into claims 2 and 3. Applicant respectfully submits that claims 2, 3, 5-7, and 10-13, as amended, are patentable over Crooks.

Crooks is directed to a "finishing nail" having a "head" and a "leg" for securing moldings or finishing strips (see p. 1, col. 1, l. 2-4). Crooks teaches that both the length of the head and the length of the leg should be "within as short limits as practicable" so that "only unobjectionably small countersink holes will be made in the face of the molding strip and the small bit of metal of the crown of the head...will not detract from the neat, finished appearance of the molding strip" (see p. 2, col. 2, l. 10, 11 and 35-39). The short head and the "preferably shorter" leg on the Crooks finishing nail might make holding and spacing an object difficult, if not impossible, for inability to bend around the object.

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Crooks specifically teaches away from staples and their "relatively large exposed webs or crowns" (see p. 1, col. 1, l. 35-37). Thus, Crooks teaches away from Applicant's claimed invention which requires a bridge portion having a length, in a fastener for holding and spacing an object.

Crooks does not teach or suggest the invention of amended claim 2 directed to a fastener for holding and spacing an object from a substrate having a first prong, second prong, and bridge, wherein the second prong has a length between about 25% and about 45% of the length of the first prong and bends enough to hold an object between the second prong and the bridge portion. Claim 2 as amended is supported in paragraphs [0010], [0021] and [0022].

Crooks does not teach or suggest the invention of amended claim 3 directed to a fastener for holding and spacing an object comprising a bridge portion, a first prong, and a second prong, in which the second prong is substantially shorter than the first prong and between about 75% and about 99% of the length of the bridge portion. Support for claim 3 as amended is found in paragraph [0022].

Amended claim 5 is patentable for the same reasons as claim 2 plus the additional limitations that the bridge portion, first prong, and second prong are generally straight line segments. No new matter is added.

Claim 6 is patentable for the same reasons as amended claim 2, plus the additional limitations that the first prong and second prong are generally perpendicular to the bridge portion. No new matter is added.

Amended claim 7 is patentable for the same reasons as amended claim 2, plus the additional limitation that the fastener is made from a shaped wire. No new matter is added.

Crooks does not teach or suggest amended claim 10 directed to a strip of fasteners connected together, in which each fastener has a bridge portion, a first prong, and a second prong, wherein the second prong has a length between about 25% and about 45% the length of the first prong and bends enough to hold an object between the second prong and the bridge portion. Claim 10 as amended is supported in paragraphs [0010], [0021], [0022] and [0023]. No new matter is added.

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Claim 11 is patentable for the same reasons as amended claim 10, plus the additional limitation that the fasteners in the fastener strip are connected together with adhesive. No new matter is added.

Claim 12 is patentable for the same reasons as amended claim 10, plus the additional limitations that each of the fasteners have a bridge portion that is generally straight and aligned generally in a third plane. No new matter is added.

Claim 13 is patentable for the same reasons as claim 12, plus the additional limitation that the third plane is generally perpendicular to the first plane and second plane. No new matter is added.

#### **Claim Rejections—35 U.S.C. § 103**

Claims 4, 8, and 9 stand rejected as being allegedly obvious in light of Crooks in view of “the old and well known variations and standards for construction staples and the like” (see Office Action 08/09/2004, paragraph 4). Examiner has cited but failed to apply any specific prior art teaching, and thus has failed to make a prima facie case of obviousness.

Amended claim 4, rewritten in independent form, is directed to a fastener for holding and spacing an object having a bridge portion, a first prong, and a second prong in which the bridge portion has a length of about  $\frac{1}{2}$  inch, the first prong has a length of about 1- $\frac{1}{4}$  inch and the second prong has a length of about  $\frac{7}{16}$  inch. These dimensions are helpful in one embodiment to hold lath or chicken wire (as for receiving stucco, for example) between the bridge portion, the first prong, and the second prong. Support for the amended claim 4 can be found in paragraph [0022]. None of the references, alone or in combination, teach or suggest the specific, advantageous dimensions required by amended claim 4. No new matter is added.

Claim 8 is patentable for the same reasons as claim 7 plus the additional limitations that the shaped wire has a thickness of about 0.05 inch and a width of about  $\frac{1}{16}$  inch. These dimensions are helpful in one embodiment for the bending of the fastener. None of the references, alone or in combination, teach or suggest the specific, advantageous dimensions required by claim 8. No new matter is added.

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Amended claim 9 is patentable for the same reasons as claim 2, plus the limitation that the fastener is made from shaped 1018 carbon steel wire. In one embodiment, 1018 carbon steel wire is used because it is easily bendable, yet sturdy enough to hold lath or chicken wire. None of the references, alone or in combination, teach or suggest a fastener according to claim 9 made from 1018 carbon steel wire. No new matter is added.

#### New Claims

New claim 14 is added to claim a fastener according to amended claim 2 having a bridge portion connecting a first prong and a second prong, having the limitation of the length of the second prong being between about 25% and about 45% of the length of said first prong, and between about 75% and about 99% of the length of the bridge portion.

New claim 15 is added to claim a fastener according to amended claim 2 made from shaped wire with a gauge of between about 18 and about 12.

New claim 16 is added to claim a fastener according to amended claim 2 made from shaped wire with a gauge of between about 16 and about 14.

None of the references, alone or in combination, teach or suggest Applicant's invention as claimed in new claims 14-16.

Support for new claims 14-16 is found in the specification as follows:

claim 14.....paragraphs [0010] and [0022]

claim 15.....paragraph [0014]

claim 16.....paragraph [0014]


For the foregoing reasons, Applicant respectfully requests reconsideration and allowance of all claims as amended.

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Respectfully submitted,

Dated this 24<sup>th</sup> of September, 2004.



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## FASTENER FOR SPACING OBJECT FROM SUBSTRATE

### BACKGROUND OF THE INVENTION

#### 1. Field of the Invention

[0001] The present invention is directed to a fastener for holding and spacing an object at a predetermined distance from a substrate.

#### 2. Description of the Related Art

[0002] Several construction-related applications require an object to be spaced from a substrate. For example, before applying stucco to a substrate, it is usually necessary to space a sheet of wire lath from the substrate to reinforce the stucco.

[0003] Nails with a cardboard spacer wrapped around the shank of each nail have been used to attach wire lath to a substrate for the purpose of applying stucco to a wall. The cardboard spacer has a thickness that corresponds to the desired space between the wire lath and the substrate so that when the wire lath is clamped between the cardboard spacer and the head of the nail, the lath is spaced from the substrate by the desired distance. However, installation of these nails and spacers is labor intensive and time consuming, requiring each nail to be hammered into the substrate while the installer holds the wire lath between the cardboard spacer and the nail head. Further, it is possible that the wire lath will not be securely fastened between the nail head and the spacer.

[0004] U.S. Patent 6,363,679 discloses a similar means for spacing wire lath from a substrate using a screw and a plastic spacer. However, the screw and plastic spacer do not relieve the tedious and time consuming process of installing a plurality of screws in order to secure and space a sheet of wire lath at a distance from a substrate.

[0005] Staples have been used for fastening objects to substrates, however, they are generally unable to leave a space between the objects and the substrates. Staples can be driven by staple driving tools, such as the model number 3150-S16 and model number IM200-S16 tools manufactured by Paslode, an Illinois Tool Works company.

[0006] What is needed is a fastener for holding and spacing an object from a substrate quickly and securely that overcomes the problems of the prior art.

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# BRIEF SUMMARY OF THE INVENTION

[0007] A novel fastener for holding and spacing an object at a predetermined distance from a substrate is provided having a bridge portion, a first prong extending in a driving direction from the bridge portion, and a second prong spaced from the first prong and extending generally parallel thereto in the driving direction from the bridge portion, wherein the second prong is substantially shorter than the first prong.

[0008] A novel strip of fasteners for holding and spacing an object at a predetermined distance from a substrate is also provided having a plurality of fasteners connected together in a side-by-side array, wherein each fastener includes a bridge portion, a first prong extending in a driving direction from the bridge portion, and a second prong spaced from the first prong and extending generally parallel thereto in the driving direction from the bridge portion, wherein the second prong is substantially shorter than the first prong, wherein each one of the first prongs is aligned generally in a first plane and each one of the second prongs is aligned generally in a second plane so as to form the strip of fasteners.

[0009] These and other features and advantages are evident from the following description of the present invention, with reference to the accompanying drawings.

## BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS

FIG. 1 is a perspective view of a strip of a plurality of fasteners for spacing an object from a substrate according to the present invention.

FIG. 2 is a plan view of a fastener for spacing an object from a substrate according to the present invention.

FIG. 3 is a side view of the strip of fasteners according to the present invention.

FIG. 4 is a partial side sectional view of a tool for installing the fasteners of the present invention.

FIG. 5 is a perspective view of the fasteners of the present invention after being installed to hold and space wire lath at a predetermined distance from a substrate.

FIG. 6 is a side sectional view of the fastener of the present invention after being installed, including a stucco layer being reinforced by wire lath.

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FIG. 7 is a side sectional view showing the progress of the fastener being installed to hold and space the wire lath at the predetermined distance from the substrate.

#### DETAILED DESCRIPTION OF THE INVENTION

[0010] Referring to FIGS. 2 and 5, a fastener 10 is shown for spacing an object, such as wire lath 2, at a predetermined distance from a substrate 1. In the art, the type of fastener shown and described as element 10 is sometimes called a clip or a staple. Novel fastener 10 includes a bridge portion 12, a long prong 18 extending in a driving direction from bridge portion 12, and a short prong 20 spaced from long prong 18 extending generally parallel to long prong 18 in the driving direction from bridge portion 12, wherein short prong 20 is substantially shorter than long prong 18. Preferably, bridge portion 12, long prong 18, and short prong 20 are all straight-line segments, wherein short prong 20 and long prong 18 are generally perpendicular to bridge portion 12. In one embodiment, the length SL of short prong 20 is between about 75% and about 99% of the length BL of bridge portion 12 and the length SL of short prong 20 is between about 25% and about 45% of the length LL of long prong 18.

[0011] Turning to FIGS. 5 and 6, fastener ~~or clip~~ 10 is used for holding and spacing an object, preferably a wire object, at a predetermined distance SD from a substrate 1. For example, substrate 1 can be wood, plywood, particle board, oriented strand board (OSB board) or other wooden substrates, and fastener clip 10 can be used to space a sheet of wire lath 2, such as hexagonal or octagonal chicken wire, from substrate 1 before applying one or more layers of plaster or stucco 4 to substrate 1. In this embodiment, wire lath 2 reinforces stucco 4 to prevent it from breaking away from substrate 1 after stucco 4 has been applied.

[0012] It is preferred that wire lath 2 be spaced from substrate 1 by a predetermined distance SD so that wire lath 2 will be embedded generally in the middle of stucco 4, as shown in FIG. 6, to most effectively reinforce stucco 4. Fastener Clip 10 fastens wire lath 2 to substrate 1, as described below, so that wire lath 2 is spaced from substrate 1 by predetermined distance SD. In one embodiment, wire lath 2 is spaced from substrate 1 by a predetermined distance SD of between about 1/8 inch and about 3/8 inch, preferably between about 1/4 inch and about 5/16 inch.

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#### CLIP

[0013] Turning back to FIG. 2, fastener clip 10 is a generally J shaped wire member having a bridge portion 12 with two ends 14, 16, a long prong 18 extending in the driving direction from one end 14 of bridge portion, and a short prong 20 spaced from long prong 18 and extending generally parallel to long prong 18 in the driving direction from the other end 16 of bridge portion 12, wherein the length SL of short prong 20 is substantially shorter than the length LL of long prong 18.

[0014] Fastener Clip 10 should be made from a material that is strong enough to securely fasten wire lath 2 to substrate 1 and to support wire lath 2 and stucco 4 under normal conditions to prevent stucco 4 from breaking off substrate 1. Fastener Clip 10 can be made from steel used to make staples for the construction industry. The material of fastener clip 10 can be carbon steel, stainless steel, or other metals and alloys used to make wire staples. In one embodiment, fastener clip 10 is made from carbon steel having a carbon content between 1008 carbon steel and 1065 carbon steel, wherein lower carbon content steel, such as 1008 steel, is used for substrates 1 that are soft, such as chip board, and higher carbon content steel, such as 1065 steel, is used for hard substrates 1, such as solid hard woods. Fastener Clip 10 can be made from metal wire that has been shaped. Fastener Clip 10 may be made from carbon steel wire having a gauge between about 18 gauge and about 12 gauge, preferably about 16 gauge or about 14 gauge. In one embodiment, fastener clip 10 is made from shaped 1018 carbon steel 16 gauge wire. Preferably the wire is flattened so that the wire has a thickness T ~~width W~~ of about 0.05 inch and a width W ~~thickness T~~ of about 1/16 inch. If a thicker clip is desired, 14 gauge steel wire may also be used.

[0015] Fastener Clip 10 is driven by a fastener driving tool 6, described below. Bridge portion 12 of fastener clip 10 is impacted by a driver blade 8 of tool 6 so that fastener clip 10 is driven into substrate 1, see FIGS. 7A-7D. Bridge portion 12 has a profile that complements the profile of a driving end 9 of driver blade 8 so that fastener clip 10 is driven straight and evenly into substrate 1. In one embodiment, driving end 9 of driver blade 8 has a generally rectangular profile with a generally planar driving surface (not shown) generally normal to the driving direction. Fastener Clip 10 has an extended, generally straight bridge portion 12, see FIG. 2, that is also generally normal to

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the driving direction so that the driving surface will contact bridge portion 12 evenly as fastener clip 10 is driven. Preferably, length BL of bridge portion 12 is approximately the same as the width of driving end 9 of driver blade 8.

[0016] In one embodiment, bridge portion 12, long prong 18, and short prong 20 are generally straight-line segments wherein prongs 18, 20 are generally perpendicular to bridge portion 12, as shown in FIG. 2. Preferably, bridge portion 12, long prong 18, and short prong 20 are straight-lined segments that are all generally in the same plane, as is best seen in FIG. 1.

[0017] Short prong 20 and long prong 18 extend from bridge portion 12 so that they are generally parallel to each other. In the embodiment shown in FIG. 2, short prong 20 extends from one end 16 of bridge portion 12 and long prong 18 extends from the other end 14 of bridge portion 12. Prongs 18, 20 preferably both extend generally in the driving direction of driver blade 8 so that both short prong 20 and long prong 18 are generally parallel to each other and generally perpendicular to bridge portion 12.

[0018] Preferably, the juncture 22 between long prong 18 and bridge portion 12 and the juncture 24 between short prong 20 and bridge portion 12 are curved, as shown in FIG. 2, so that there is a smooth transition between bridge portion 12 and prongs 18, 20. Curved junctures 22, 24 are preferred because they minimize the concentration of stress and fault lines at junctures 22, 24 which can cause prongs 18, 20 to break off at the high forces experienced by fastener clip 10. In one embodiment, junctures 22, 24 have an inside radius of curvature R of about 1/32 inch.

[0019] In one embodiment, long prong 18 extends from end 14 of bridge portion 12 to a distal end 26 having a point 28 and short prong 20 extends from the opposite end 16 of bridge portion 12 to a distal end 30 having a point 32. In one embodiment, long prong point 28 forms an angle  $\alpha$  [a] and short prong point 32 forms an angle  $\beta$ , wherein the tips of points 28, 32 are generally centered along the thickness of prongs 18, 20. In one embodiment, angles  $\alpha$  [a] and  $\beta$  are approximately equal to each other, wherein angles  $\alpha$  [a] and  $\beta$  are between about 50° and about 90°, preferably between about 65° and about 75°, still more preferably about 70°.

[0020] The length LL of long prong 18 is substantially longer than the length SL of short prong 20 so that when fastener clip 10 is installed, wire lath 2 will be spaced from

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substrate 1 by predetermined distance SD. Long prong length LL is selected so that enough of long prong 18 is embedded in substrate 1 to securely fasten fastener clip 10 and wire lath 2 to substrate while still having enough of long prong 18 protruding from substrate 1 to space wire lath 2 from substrate 1 by predetermined distance SD.

[0021] Length SL of short prong 20 is substantially shorter than long prong length LL. It is preferred that short prong length SL be shorter than the length BL of bridge portion 12 so that when short prong 20 is bent during driving, as described below, it is not interfered with by long prong 18, but rather bends enough to securely hold wire lath 2 between short prong 20 and bridge portion 12, as shown in FIGS. 6 and 7D.

[0022] In one embodiment, short prong length SL is between about 25% and about 45%, preferably about 35% of long prong length LL and between about 75% and about 99%, preferably about 87% of bridge portion length BL. For the application of holding and spacing wire lath 2 from substrate 1, bridge portion 12 can have a length BL, of between about 1/16 inch and about 1-1/2 inch, preferably between about 3/16 inch, known as a narrow crown clip, and about 15/16 inch, known as a wide crown clip, still more preferably about 1/2 inch, known as a standard crown clip, short prong 20 can have a length SL between about 5/32 inch and about 13/16 inch, preferably between about 1/4 inch and about 5/8 inch, still more preferably about 7/16 inch, and long prong 18 has a length LL of between about 1 inch and about 2 inch, preferably between about 1-1/8 inch and about 1-1/2 inch, still more preferably about 1-1/4 inch.

#### STRIP OF CLIPS

[0023] Turning to FIG. 1, in a preferred embodiment of the present invention, a plurality of clips 10 are arranged in a strip 34 so that a plurality of fasteners clips 10 can easily be fed to tool 6. Strip 34 includes a plurality of fasteners clips 10 connected together in a side-by-side array, as shown in FIG. 1, wherein each fastener clip 10 includes a bridge portion 12, see FIG. 1, a long prong 18 extending in a driving direction from bridge portion 12, and a short prong 20 spaced from long prong 18 and extending generally parallel to long prong 18 in the driving direction from bridge portion 12, wherein short prong 20 is substantially shorter than long prong 18. Each one of the long prongs 18 is aligned generally in a common plane ABCD and each one of the short

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prongs 20 are aligned generally in a common plane EFGH (see FIGS. 1 and 3) so as to form strip 34 of fasteners elips 10.

[0024] Preferably, fasteners elips 10 are releasably connected together so that they do not break apart during normal handling of strip 34 and tool 6, but rather are broken apart when driver blade 8 sheers a first fastener elip 10 away from the rest of strip 34 and drives the fastener elip 10 toward substrate 1. Fasteners Clips 10 can be connected together with welding, microwelding, adhesives, and other means of fastening or cohering a plurality of fasteners elips 10 together in the side-by-side array shown in FIGS. 1 and 3. In one embodiment, fasteners elips 10 are connected together with an adhesive, each one of the bridge portions 12 are generally straight and each bridge portion 12 is aligned generally in a common plane CDEH, wherein plane CDEH of bridge portions 12 is generally perpendicular to plane ABCD of long prongs 18 and plane EFGH of short prongs 20 so that fasteners elips 10 of strip 34 are generally aligned with one another. Preferably, long prong 18, short prong 20, and bridge portion 12 of each of the plurality of fasteners elips 10 are generally straight-line segments that are generally in the same plane, such as plane ADEF shown in FIG. 1, and the planes of each of the fasteners elips 10 in strip 34 are substantially parallel to each other, such as plane ADEF of fastener elip 10a being generally parallel to plane BCHG of fastener elip 10b, as shown in FIGS. 1 and 3.

[0025] In one method, strip 34 is manufactured in a multi-wire operation, wherein a plurality of wires (not shown) are pulled at the same time so that the wires are running concurrently. The plurality of wires are pulled together so that they form a sheet of wires, wherein they are connected together by an adhesive material, such as a nitrocellulose adhesive, that adheres adjacent wires together. Examples of adhesives that can be used are described in U.S. Patent 5,441,373, assigned to the assignee of this application, the disclosure of which is incorporated herein by reference. The adhesive is allowed to dry and cool to room temperature before the pre-adhered wire is punched into the shape of strip 34 of fasteners elips 10. In one method, the wires are round, 16 gauge, 1018 carbon steel that are flattened in a flattening mill before the wires are pulled together so that each wire has a generally rectangular cross section.

TOOL

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[0026] Turning to FIGS. 4 and 7A-7D, fasteners ~~elips~~ 10 is installed by a fastener driving tool 6 having a housing 36 with a handle 38 depending generally from a trailing end of housing 36 for an operator to hold tool 6. A trigger 40 is mounted to handle 38 for actuating tool 6. A cylinder 42 is located within housing 36, with a piston 44 within cylinder 42. Driver blade 8 is coupled to piston 44 so that when piston 44 is driven in a driving direction through cylinder 42, so is driver blade 8. A nosepiece 46 is coupled to driving end of housing 36, wherein nosepiece 46 includes a channel 48 for guiding driver blade 8 and fastener ~~elip~~ 10 toward substrate 1.

[0027] A power source, such as pneumatic power, gas combustion, or explosive powder is used to drive piston 44 and driver blade 8 in the driving direction toward fastener ~~elip~~ 10. In one embodiment, tool 6 includes an air connection 50 for connecting to a compressed air source (not shown), which feeds into a chamber 52 in the trailing direction of piston 44. When trigger 40 is pulled by an operator, air pressure is increased in chamber 52, which drives piston 44 toward fastener ~~elip~~ 10. Tool 6 can also include a buffer 54 generally at the driving end of cylinder 42 to protect piston 44 and tool 6 from damage due to high speed impact.

[0028] Preferably, tool 6 includes a magazine 56 for feeding a strip 34 of fasteners ~~elips~~ 10 into channel 48. Strip 34 is fed into magazine 56 of tool 6 so that a first clip is within channel 48. When tool 6 is fired, the first clip is broken away from an adjacent second clip by driver blade 8 so that the first clip is driven toward substrate 1. Tool 6 can also include a follower (not shown) which biases strip 34 toward channel 48, so that when the first clip is driven, the follower biases the second clip into channel 48.

[0029] Continuing with FIG. 4, tool 6 can also include a drive probe 58 that is operationally connected to a triggering mechanism (not shown), so that tool 6 cannot be fired without drive probe 58 being pushed against substrate 1, forcing drive probe 58 in the trailing direction, enabling actuation of tool 6.

[0030] In a preferred embodiment, shown in FIGS. 7A-7D, nosepiece 46 includes a laterally extending slot 60 for receiving and positioning wire lath 2 relative to where fastener ~~elip~~ 10 will be driven and an anvil 62 with a ramp 64 positioned within channel 48 between slot 60 and a substrate contacting surface 66 for bending short prong 20 inwardly toward long prong 18.

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TOOL APPLICATION INCORPORATION BY REFERENCE

[0031] A preferred tool for driving fasteners ~~elips~~ 10 is disclosed in the commonly assigned, co-pending patent application having Attorney Docket # 14320, filed contemporaneously herewith, the disclosure of which is incorporated herein by reference.

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#### METHOD OF INSTALLING CLIP AND WIRE LATH

[0032] In order to hold and space wire lath 2 at a predetermined distance SD from substrate 1, wire lath 2 is positioned proximate to substrate 1 and tool 6 is positioned so that wire lath 2 will be between prongs 18 and 20 when fastener clip 10 is driven. In a preferred method, wire lath 2 is positioned within slot 60, as shown in FIG. 7A, which positions wire lath 2 where it can be held between short prong 20 and bridge portion 12.

[0033] As fastener clip 10 is driven by driver blade 8, long prong 18 is driven straight into substrate 1 and acts to securely fasten fastener clip 10 to substrate 1. Ramp 64 interferes with the path of short prong 20, as shown in FIGS. 7A-7D, so that the force of driver blade 8 forces short prong 20 to be bent by ramp 64. As short prong 20 is directed inwardly toward long prong 18, it holds or grips wire lath 2 between short prong 20 and bridge portion 12 so that wire lath 2 is held by fastener clip 10.

[0034] Ramp 64 is situated within channel so that long prong 18 will not encounter ramp 64, but rather will continue to be driven into substrate 1 by driver blade 8. As short prong 20 is being bent, long prong 18 is driven to a predetermined depth into substrate 1. The depth which fastener clip 10 is driven into substrate 1 is determined by nosepiece 46. Nosepiece also includes a substrate contacting surface 66 that is pressed against substrate 1 before driving fastener clip 10. Ramp 64 is spaced from substrate contacting surface 66 by a predetermined distance DN which is approximately equal to the desired spacing distance SD of wire lath 2 from substrate 1. The selected distance DN between nosepiece substrate contacting surface 66 and ramp 64 determines the position where short prong 20 will be bent in relation to substrate 1, which in turn determines where wire lath 2 will be held relative to substrate 1.

[0035] While the foregoing written description of the invention enables one of ordinary skill to make and use what is considered presently to be the best mode thereof, those of ordinary skill will understand and appreciate the existence of variations, combinations, and equivalents of the specific exemplary embodiment herein. The invention should therefore not be limited by the above described embodiment, but by all embodiments within the scope and spirit of the invention as claimed.

**Annotated Marked-up Drawings**  
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